

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Case No. 15-30125

The Archdiocese of Saint Paul and  
Minneapolis,

Chapter 11

Debtor.

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**NOTICE OF EXPEDITED HEARING AND JOINT MOTION FOR DEEMED  
ACCEPTANCE OF THIRD AMENDED JOINT CHAPTER 11 PLAN OF  
REORGANIZATION OF THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS**

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TO: Entities specified in Local Rule 9013-3:

1. The Official Committee of Unsecured Creditors (the "Committee") and The Archdiocese of Saint Paul and Minneapolis (the "Debtor"), through their undersigned attorneys, respectfully move the Court for the relief requested below and gives notice of expedited hearing.

2. The Court will hold an expedited hearing on this motion on Tuesday, September 25, 2018 at 10:00 a.m., in Courtroom No. 15 East, United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

3. Local Rule 9006-1(c) provides deadlines for responses to this motion. However, given the expedited nature of the relief sought, the movants do not object to written responses being served and filed two (2) hours before the time set for hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Rule 5005 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), and Local

Rule 1070-1 for the United States Bankruptcy Court for the District of Minnesota (“Local Rules”).

5. This motion arises under 11 U.S.C. §§ 105 and 1127, and Bankruptcy Rule 3019(a). The motion is filed under Bankruptcy Rules 9013 and 9014 and Local Rule 9013.

6. The Debtor filed its voluntary petition on January 16, 2015, and has been operating as a debtor-in-possession since that time pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

7. On February 19, 2015, the Office of the United States Trustee appointed the Committee.

8. On June 28, 2018, the Debtor and Committee filed a Joint Chapter 11 Plan of Reorganization of the Archdiocese of Saint Paul and Minneapolis [ECF No. 1198] and related Disclosure Statement [ECF No. 1199], each dated as of June 28, 2018. The Court entered an Order and Notice for Hearing on Disclosure Statement on June 28, 2018 [ECF No. 1200], and set the hearing on the adequacy of the Disclosure Statement for August 9, 2018.

9. On August 8, 2018, the plan proponents filed a First Amended Disclosure Statement for the Joint Chapter 11 Plan of Reorganization of the Archdiocese of Saint Paul and Minneapolis (the “Amended Disclosure Statement”) [ECF No. 1218] and First Amended Joint Chapter 11 Plan of Reorganization of the Archdiocese of Saint Paul and Minneapolis (the “Amended Plan”) [ECF No. 1217], each dated as of August 8, 2018.

10. On August 10, 2018, after the hearing on the adequacy of the disclosure statement, the plan proponents filed a Second Amended Disclosure Statement for the Joint Chapter 11 Plan of Reorganization of the Archdiocese of Saint Paul and Minneapolis (“Second Amended Disclosure Statement”) [ECF No. 1224] and Second Amended Joint Chapter 11 Plan

of Reorganization of the Archdiocese of Saint Paul and Minneapolis (“Second Amended Plan”) [ECF No. 1224].

11. The Court approved the Second Amended Disclosure Statement and procedures for solicitation and tabulation of votes by Order dated August 13, 2018 [ECF No. 1226].

12. In order to be counted as a vote to accept or reject the Second Amended Plan, ballots had to be received by the clerk no later than September 18, 2018.

13. After solicitation on the Second Amended Plan in accordance with the Court’s Order and expiration of the deadline to timely file ballots, the plan proponents made modifications to the Second Amended Plan. These modifications are incorporated into the Third Amended Joint Chapter 11 Plan of Reorganization of the Archdiocese of Saint Paul and Minneapolis (“Third Amended Plan”) [ECF No. 1262]. The modifications can be reviewed in a redline copy of the Third Amended Plan, which is attached as Exhibit 1 to the Unsworn Declaration of Brittany M. Michael [ECF No. 1263].

14. The modifications represent the correction of typos and errors in the naming of entities and insurance policies, as well as minor clarifications of existing rights and responsibilities. None of the modifications adversely change the treatment of the claim of any creditor.

15. Plan objections were required to be filed and served by no later than September 18, 2018 – no plan objections have been filed.

16. By this motion, the plan proponents seek an order of the Court determining that all creditors who accepted the Second Amended Plan are deemed to accept the Third Amended Plan.

WHEREFORE, the Committee and the Debtor request entry of an Order determining that all creditors who accepted the Second Amended Plan are deemed to accept the Third Amended Plan in accordance with Bankruptcy Rule 3019(a).

Dated September 19, 2018

**BRIGGS AND MORGAN**

e/Benjamin E. Gurstelle  
Richard D. Anderson (#002306)  
Charles B. Rogers (#130588)  
Lauren E. Lonergan (#143443)  
Benjamin E. Gurstelle (#0389968)  
2200 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402  
[randerson@briggs.com](mailto:randerson@briggs.com)  
[crogers@briggs.com](mailto:crogers@briggs.com)  
[llonergan@briggs.com](mailto:llonergan@briggs.com)  
[bgurstelle@briggs.com](mailto:bgurstelle@briggs.com)  
Telephone: 612-977-8400  
Facsimile: 612-977-8650

Attorneys for The Archdiocese Of  
Saint Paul and Minneapolis, Debtor and  
Debtor in Possession

**STINSON LEONARD STREET**

e/Robert T. Kugler  
Robert T. Kugler (#194116)  
Edwin H. Caldie (#388930)  
Phillip J. Ashfield (#388990)  
Brittany M. Michael (#397592)  
50 South Sixth Street, Suite 2600  
Minneapolis, MN 55402  
[robert.kugler@stinson.com](mailto:robert.kugler@stinson.com)  
[ed.caldie@stinson.com](mailto:ed.caldie@stinson.com)  
[phillip.ashfield@stinson.com](mailto:phillip.ashfield@stinson.com)  
[brittany.michael@stinson.com](mailto:brittany.michael@stinson.com)  
Telephone: 612-335-1500  
Facsimile: 612-335-1657

Attorneys for the Official Committee of  
Unsecured Creditors for the  
Archdiocese of Saint Paul and  
Minneapolis

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**MEMORANDUM OF LAW**

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The Official Committee of Unsecured Creditors (the “Committee”) and The Archdiocese of Saint Paul and Minneapolis (the “Debtor” or “Archdiocese”) submit this memorandum of law in support of their joint motion for expedited relief and deemed acceptance of the Third Amended Plan. The underlying facts are set forth in the motion and are incorporated herein. Capitalized terms not otherwise defined herein have the definition set forth in the motion.

**EXPEDITED RELIEF**

Expedited relief is permitted upon a showing of cause. Bankruptcy Rule 9006(c). Cause exists for this motion given the impending plan confirmation hearing on September 25, 2018. A significant part of the consideration for entering into the joint plan is the parties’ willingness to move this case forward to a resolution so that payments to survivors of sexual abuse can be made before the year-end. Moving out the confirmation hearing even for a short period of time could seriously jeopardize such consideration. Additionally, the modifications to the Second Amended Plan were made to correct typos and errors in the naming of entities and insurance policies, as well as clarify existing rights and responsibilities under the plan – no substantive changes were made to the Second Amended Plan. None of the changes will adversely affect the rights of any

creditor, and therefore reducing the notice time period will not negatively impact any creditor who has already accepted the Second Amended Plan.

**RULE 3019 RELIEF**

This motion is governed by Bankruptcy Rule 3019(a), which provides that, upon notice and a hearing, the Court may determine that ballots cast for a prior plan are deemed to apply to a modified plan if “the proposed modification does not adversely change the treatment of the claim of any creditor or the interest of any equity security holder who has not accepted in writing the modification.” In this case, ballots were cast in connection with the Second Amended Plan. Because the modifications made after solicitation of votes do not adversely change the treatment of the claim of any creditor, this Court should grant the relief requested by the plan proponents.

**CONCLUSION**

Based on the foregoing, the plan proponents seek an order granting expedited relief and determining that all creditors who accepted the Second Amended Plan are deemed to accept the Third Amended Plan.

Dated: September 19, 2018

**BRIGGS AND MORGAN**

*e/ Benjamin E. Gurstelle*  
Richard D. Anderson (#002306)  
Charles B. Rogers (#130588)  
Lauren E. Lonergan (#143443)  
Benjamin E. Gurstelle (#0389968)  
2200 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402  
[randerson@briggs.com](mailto:randerson@briggs.com)  
[crogers@briggs.com](mailto:crogers@briggs.com)  
[llonergan@briggs.com](mailto:llonergan@briggs.com)  
[bgurstelle@briggs.com](mailto:bgurstelle@briggs.com)  
Telephone: 612-977-8400  
Facsimile: 612-977-8650

**STINSON LEONARD STREET**

*e/Robert T. Kugler*  
Robert T. Kugler (#194116)  
Edwin H. Caldie (#388930)  
Phillip J. Ashfield (#388990)  
Brittany M. Michael (#397592)  
50 South Sixth Street, Suite 2600  
Minneapolis, MN 55402  
[robert.kugler@stinson.com](mailto:robert.kugler@stinson.com)  
[ed.caldie@stinson.com](mailto:ed.caldie@stinson.com)  
[phillip.ashfield@stinson.com](mailto:phillip.ashfield@stinson.com)  
[brittany.michael@stinson.com](mailto:brittany.michael@stinson.com)  
Telephone: 612-335-1500  
Facsimile: 612-335-1657

Attorneys for The Archdiocese Of  
Saint Paul and Minneapolis, Debtor and  
Debtor in Possession

Attorneys for the Official Committee of  
Unsecured Creditors for the  
Archdiocese of Saint Paul and  
Minneapolis

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**ORDER**

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At Minneapolis, Minnesota, September 25, 2018

Based on the joint motion of the committee and the debtor for deemed acceptance of the third amended joint chapter 11 plan of reorganization,

**IT IS ORDERED:**

1. The motion for expedited hearing on this matter is granted.
2. All ballots accepting the second amended joint chapter 11 plan of reorganization dated August 10, 2018 are deemed to accept the third amended joint chapter 11 plan of reorganization dated September 19, 2018.

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ROBERT J. KRESSEL  
UNITED STATES BANKRUPTCY JUDGE